



DEPARTMENTAL
GENERAL
ORDER

Rev.
30 Jul 01

B-3

Index as:

Ref: CALEA
Standard 22.3.3

Employment Permit
Outside Employment
Permit For Outside Employment

OUTSIDE EMPLOYMENT

The purpose of this order is to set forth the conditions under which the employment of members and employees in jobs outside the Department is permissible, the procedures for obtaining a permit to work outside the Department, and the liabilities of members during such employment.

I. REGULATION OF OUTSIDE EMPLOYMENT

A. In accordance with the provisions of Government Code Section 1126, Section 1101 of the City Charter, and Section 9.06 of the Laws and Rules of the Civil Service Board, outside employment shall be prohibited if it:

1. Involves using Departmental time, facilities, equipment, supplies, badges, uniforms, prestige, or influence for private gain or advantage.
2. Involves receiving outside money or consideration for service which the member or employee is required or expected to render during the normal course of his/her Departmental tour of duty.
3. Involves acts which may later be directly or indirectly subject to Departmental control, inspection, review, audit, or enforcement.

B. Government Code Section 1126, Section 1101 of the City Charter, and Section 9.06 of the Laws and Rules of the Civil Service Board prohibit employment which is in any other respect inconsistent, incompatible, or in conflict with the member's or employee's Departmental duties or with Departmental functions and responsibilities.

1. Outside employment so prohibited shall include:
 - a) Employment or activity which is in and of itself unlawful.
 - b) Employment of a kind or at a location which would tend to bring the Department into disrepute.

- c) Employment which requires any affiliation, membership or allegiance that may tend to influence a member's conduct in a manner that would be inconsistent with the proper discharge of his/her duties as a police officer or with his/her loyalty to the Department or to the public interest.
 - d) Investigative or other employment in which, by virtue of the member's or employee's position in the Department he/she may avail him/herself of access to police information records, files or correspondence.
- 2. Hazardous employment which jeopardizes the member's or the employee's availability for Departmental duty may also be prohibited.
- 3. Employment as a uniformed security guard or watchman is prohibited.
- 4. Employment as a non-uniformed security guard in Oakland is prohibited pursuant to Penal Code Section 70(d)(4) during any period when the outside employer is experiencing strike-related activity including strikes, lockouts, picketing, or other physical demonstrations of a labor dispute. If the Department loans a member to another jurisdiction, the member is prohibited from working as a non-uniformed security guard for any outside employer in that jurisdiction who is experiencing labor disputes.
- C. Under Government Code Section 1126, outside employment may be prohibited if time demands are such as to render the member or employee less efficient during his/her Departmental tour of duty.
- D. Outside employment is prohibited during paid or unpaid sick or injury leave. Whenever an individual has returned to work with medical restrictions, outside employment that conflicts with the restrictions is prohibited.
- E. No full-time member or employee shall, without first obtaining the written permission of the Chief of Police, engage in any gainful outside employment activity or enterprise for wages or commissions. The permission of the Chief of Police shall be requested in accordance with procedures set forth in Part II of this order.

- F. The decision of the Chief of Police to grant or deny permission to engage in outside employment shall be subject to appeal only through established grievance procedures.
- G. Failure to comply with the provisions of this order or falsifying information on permit applications shall result in such Departmental disciplinary action as the Chief of Police may deem appropriate.

II. PERMIT APPLICATION, ISSUANCE, RENEWAL

- A. A full-time member or employee who wants to engage in outside business or employment shall complete two copies of the Outside Employment Permit (TF-674), obtain the outside employer's signature, and submit the forms to his/her commander.
- B. The applicant's commander shall signify approval or disapproval of the request by appropriate notation and signature on the permit form and shall forward both copies through channels to the Chief of Police.
- C. The request shall be reviewed in the Office of Chief of Police. Requests not approved shall be returned through channels, with a notation as to the reason for disapproval. If the request is approved, one copy of the permit shall be returned through channels to the applicant. The second copy shall be retained in the Office of the Chief.
- D. Approved permits shall be regarded as being temporarily suspended while a member or employee is on paid or unpaid sick or injury leave, under medical restrictions which conflict with the outside employment, or under the conditions specified in Part I, B, 4 of this order.
- E. Members applying for an Outside Employment Permit for employment as a non-uniformed security guard shall read and sign the Security Guard Notification form (TF-3108).
- F. An approved permit shall be valid for 12 months and shall constitute authorization for the individual to engage in the specified employment or enterprise.
 - 1. New permit forms shall be submitted to cover any change in the nature of the work, the hours, the location, or the employer.
 - 2. A permit may be renewed by completing two new forms and submitting them, through channels, by the expiration date noted on the currently valid permit. It is the responsibility of the applicant to

renew the permit by the expiration date. Outside employment is only authorized during the 12 months that the permit is valid.

III. CITY NOT LIABLE FOR MEMBERS

- A. During hours of employment with an outside employer, members shall not invoke peace officer status and shall act solely in a civilian, private citizen capacity.
- B. The outside employer is solely responsible for providing workers' compensation benefits or similar insurance benefits in the event that a member is injured, disabled, or killed during hours of outside employment. City workers' compensation will be denied pursuant to Government Code Section 50922 and Labor Code Section 3600.2.
- C. The City does not provide civil liability protection for the acts or omissions of off-duty members during their hours of employment with an outside employer. The City is not liable for any legal actions, property damage, bodily harm, costs or other matters that arise from a member's outside employment. Outside employment prevents a member from exercising police officer status.

By order of

Richard L. Word
Chief of Police